



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

September 24, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

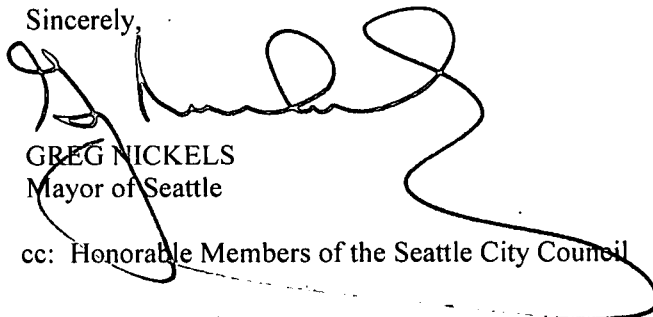
Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill amending Seattle Municipal Code (SMC) Section 11.31.090 and Subsection 11.31.120C, which deal with the City's authority to use automated camera equipment for the detection of traffic signal violations. The proposed amendments will address two problems in the present law by authorizing the City to use automated traffic cameras to detect violations of red arrow traffic signals, and by keeping the penalty for camera-generated infractions equal to the penalty for officer-generated infractions.

In 2005, the City Council passed Ordinance 121944, which authorized the City to use automated traffic cameras to detect violations of SMC 11.50.140, a Chapter in the Seattle Municipal Code that specifically addresses steady circular red traffic signals, and not red arrow signals. Violations of SMC 11.50.150 relate specifically to red arrow signal violations. At the time Ordinance 121944 was enacted, the penalty for camera-generated infractions was set at \$101 to provide parity with the existing penalty for officer-generated infractions. Since that time, the penalty for officer-generated infractions has increased to \$124, while the penalty for camera-generated infractions has remained at \$101.

Passage of this Bill will enable the City to prosecute red light violations detected by automated camera equipment in a manner that ensures public safety, while providing monetary penalties that are consistent with officer-generated violations. Should you have questions, please contact Deputy Chief Clark Kimerer at 615-0764.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



ORDINANCE 122554

AN ORDINANCE relating to enforcement of traffic infractions and amending Seattle Municipal Code Section 11.31.090 and Seattle Municipal Code Subsection 11.31.120 C to provide that violations of Seattle Municipal Code Section 11.50.150 may be enforced through the use of evidence detected by an automated traffic safety camera and providing that penalties for violations of SMC 11.50.140 and SMC 11.50.150 detected by an automated traffic safety camera shall be equal to the total penalty for violations of such sections detected by a police officer.

WHEREAS, in 2005, the City Council authorized enforcement of violations of Seattle Municipal Code Section 11.50.140 through the use of evidence detected by an automated traffic safety camera; and

WHEREAS, enforcement of violations of Seattle Municipal Code Section 11.50.150 (which are violations of a red arrow traffic signal) would be similarly augmented by use of evidence detected by automated traffic safety cameras; and

WHEREAS, the monetary penalty for violations detected by automated traffic safety camera was set to equal the total penalty for violations of traffic control signals detected by a police officer, and that total penalty amount has increased. NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Seattle Municipal Code Section 11.31.090 (added as a new section by Ordinance No. 121944, Section 3) is amended as follows:

**SMC 11.31.090 Traffic infractions detected through the use of an automated traffic safety camera.**

A. A notice of infraction based on evidence detected through the use of an automated traffic safety camera must be mailed to the registered owner of the vehicle within fourteen (14) days of the violation, or to the renter of a vehicle within fourteen (14) days of establishing the renter's name and address under subsection C1 of this section. The peace officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety



1 camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima  
2 facie evidence of the facts contained in it and is admissible in a proceeding charging a violation  
3 of Section 11.50.140 or Section 11.50.150. The photographs, microphotographs, or electronic  
4 images evidencing the violation must be available for inspection and admission into evidence in  
5 a proceeding to adjudicate the liability for the infraction.

6 B. A person receiving such a notice of infraction may respond to the notice by mail. The  
7 registered owner of a vehicle is responsible for such an infraction unless the registered owner  
8 overcomes the presumption in subsection E of this section, or, in the case of a rental car business,  
9 satisfies the conditions under subsection C of this section. If appropriate under the  
10 circumstances, a renter identified under subsection C1 of this section is responsible for such an  
11 infraction.  
12

13 C. If the registered owner of the vehicle is a rental car business, the peace officer shall, before  
14 such a notice of infraction is issued, provide a written notice to the rental car business that a  
15 notice of infraction may be issued to the rental car business if the rental car business does not,  
16 within eighteen (18) days of receiving the written notice, provide to the peace officer by return  
17 mail:  
18

- 19 1. A statement under oath stating the name and known mailing address of the individual  
20 driving or renting the vehicle when the infraction occurred; or  
21
- 22 2. A statement under oath that the business is unable to determine who was driving or  
23 renting the vehicle at the time the infraction occurred; or  
24
- 25 3. In lieu of identifying the vehicle operator, the rental car business may pay the  
26 applicable penalty.



1 Timely mailing of this statement to the peace officer relieves a rental car business of any liability  
2 under this chapter for the notice of infraction.

3 D. For the purposes of this section, "automated traffic safety camera" means a device that uses a  
4 vehicle sensor installed to work in conjunction with an intersection traffic control system and a  
5 camera synchronized to automatically record one (1) or more sequenced photographs,  
6 microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails  
7 to stop when facing a steady red traffic control signal.  
8

9 E. In a traffic infraction case involving an infraction detected through the use of an automated  
10 traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction  
11 was in violation of Section 11.50.140 or Section 11.50.150, together with proof that the person  
12 named in the notice of traffic infraction was at the time of the violation the registered owner of  
13 the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the  
14 vehicle was the person in control of the vehicle at the point where, and for the time during which,  
15 the violation occurred. This presumption may be overcome only if the registered owner states,  
16 under oath, in a written statement to the court or in testimony before the court that the vehicle  
17 involved was, at the time, stolen or in the care, custody, or control of some person other than the  
18 registered owner. (Laws of 2005, chapter 167, section 1 and RCW 46.63.075)  
19  
20

21 Section 2. Seattle Municipal Code Section 11.31.120 C (added as a new subsection by  
22 Ordinance No. 121944, Section 4) is amended as follows:

23 **SMC 11.31.020 Monetary penalties.**

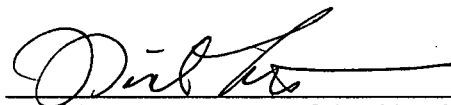
24 \* \* \*




C. A traffic infraction for violation of Section 11.50.140 or Section 11.50.150 detected through the use of an automated traffic safety camera shall be processed in the same manner as a parking infraction, with a ~~((base))~~ monetary penalty ~~((of One Hundred One Dollars (\$101.00)))~~ equal to the total penalty, including the base penalty plus any statutory assessments authorized under state law, for similar violations of traffic control signals detected by a police officer.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

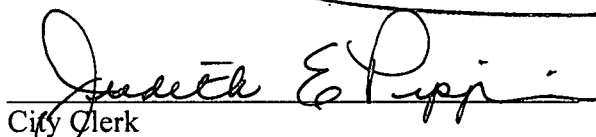
Passed by the City Council the 19<sup>th</sup> day of November, 2007, and signed by me in open session in authentication of its passage this 19<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 26<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 26<sup>th</sup> day of November, 2007

  
\_\_\_\_\_  
City Clerk

(Seal)



## **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Police Department	Mike Quinn/615-1230	Greg Doss/615-1759

### **Legislation Title:**

AN ORDINANCE relating to enforcement of traffic infractions and amending Seattle Municipal Code Section 11.31.090 and Seattle Municipal Code Subsection 11.31.120C to provide that violations of Seattle Municipal Code Section 11.50.150 may be enforced through the use of evidence detected by an automated traffic safety camera and providing that penalties for violations of SMC 11.50.140 and SMC 11.50.150 detected by an automated traffic safety camera shall be equal to the total penalty for violations of such sections detected by a police officer.

### **• Summary of the Legislation:**

This legislation accomplishes two things: 1) it provides the City with authority to use automated camera equipment to detect red arrow traffic signal violations; and 2) it provides that the penalty for violations of SMC 11.50.140 (circular red signal) and SMC 11.50.150 (red arrow signal) detected by a traffic safety camera will be the same as the penalty for violations detected by a police officer. This will have the immediate effect of increasing the monetary penalty for red light violations detected by automated equipment from \$101 to \$124, which is the current penalty for officer-generated violations. In the future, the penalty for camera-generated violations will increase or decrease to equal the penalty for officer-generated violations.

### **• Background: *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):***

Ordinance 121944, enacted by the Council in 2005, created Seattle Municipal Code Section 11.31.090, which authorized the City to use automated camera equipment to detect violations of circular red signals, but did not address violations of red arrow signals. This proposed Council Bill will address this oversight by authorizing penalties for red arrow signal violations.

The original legislation set the monetary penalty at \$101 for red light violations detected by camera to equal the total state-determined penalty (the base penalty plus statutory assessments) for violations detected by a police officer. Since that time, the total monetary penalty for the officer-detected violations has increased from \$101 to \$124. This Bill provides for continuing parity of penalties for camera- and officer-detected violations.



- Please check one of the following:

       **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

  X   **This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Appropriations:** This table should reflect appropriations that are a direct result of this legislation. In the event that the project/ programs associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2007 Appropriation	2008 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:** In the 2008 Proposed Budget, SPD will receive an appropriation for \$1,479,934 for the vendor and staffing necessary to implement a program that includes 30 Red Light Cameras. The Municipal Court will receive \$61,000 and the Department of Transportation \$135,000 to provide one-time and ongoing resources to implement the program.

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2007 Revenue	2008 Revenue
General Subfund (00100)	Finance General	Increase in monetary penalty from \$101 to \$124 per violation	N/A	\$672,000
General Subfund (00100)	Finance General	Authority to cite red arrow	N/A	\$79,000
<b>TOTAL</b>			N/A	\$751,000

**Notes:** Revenue estimate is for 30 Red Light Cameras (6 existing and 24 new in 2008 Proposed Budget). Revenue cited above is the difference between monetary penalties of \$101 and \$124. Please note that this is not the total revenue that will be received from the cameras.

**Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE**

**Impact:** This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/ Full Time	2007 Positions	2007 FTE	2008 Positions**	2008 FTE*
<b>TOTAL</b>							

\* List each position separately

\*\* 2008 positions and FTE are total 2008 position changes resulting from this legislation, not incremental changes. Therefore, under 2008, please be sure to include any continuing positions from 2007.

Notes: Not applicable.

- **Do positions sunset in the future?** (If yes, identify sunset date):

Not applicable.



**Spending/Cash Flow:** *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name and Number	Department	Budget Control Level*	2007 Expenditures	2008 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

Notes: Not applicable.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

The fiscal cost of not implementing this legislation is to forego the estimated increase in revenue that would follow enactment. See the above section on Anticipated Revenue.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

None.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No.

- **Other Issues** *(including long-term implications of the legislation):*

None.

**Please list attachments to the fiscal note below:**

None.

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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217885  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

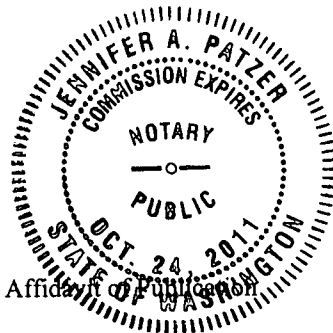
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

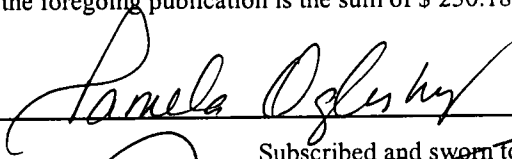
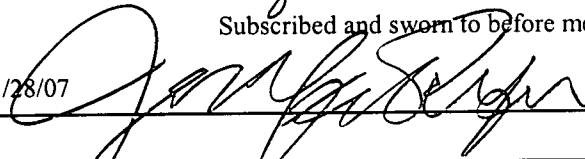
CT:ORDINANCE 122554

was published on

11/28/07

The amount of the fee charged for the foregoing publication is the sum of \$ 230.18, which amount has been paid in full.



  
Subscribed and sworn to before me on  
11/28/07   
Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

#### ORDINANCE 122554

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and admission into evidence in a proceeding to adjudicate the liability for the infraction.

B. A person receiving such a notice of infraction may respond to the notice by mail. The registered owner of a vehicle is responsible for such an infraction unless the registered owner overcomes the presumption in subsection E of this section, or, in the case of a rental car business, satisfies the conditions under subsection C of this section. If appropriate under the circumstances, a renter identified under subsection C1 of this section is responsible for such an infraction.

C. If the registered owner of the vehicle is a rental car business, the peace officer shall, before such a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen (18) days of receiving the written notice, provide to the peace officer by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the peace officer relieves a rental car business of any liability under this chapter for the notice of infraction.

D. For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system and a camera synchronized to automatically record one (1) or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal.

E. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of Section 11.50.140 or Section 11.50.150, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred. This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner. (Laws of 2005, chapter 187, section 1 and RCW 46.63.075)

Section 2. Seattle Municipal Code Section 11.31.120 C (added as a new subsection by Ordinance No. 121944, Section 4) is amended as follows:

**SMC 11.31.020 Monetary penalties.**

\*\*\*

C. A traffic infraction for violation of Section 11.50.140 or Section 11.50.150 detected through the use of an automated traffic safety camera shall be processed in the same manner as a parking infraction, with a ((base)) monetary penalty ((of One Hundred One Dollars (\$101.00))) equal to the total penalty, including the base penalty plus any statutory assessments authorized under state law, for similar violations of traffic control signals detected by a police officer.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 19th day of November, 2007, and signed by me in open session in authentication of its passage this 19th day of November, 2007.

NICK LICATA,

President of the City Council

Approved by me this 26th day of November, 2007.

GREGORY J. NICKELS,

Mayor.

Filed by me this 26th day of November, 2007.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, November 28, 2007.

11/28(217885)